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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,481	07/03/2003	Will Shatford	24528-71531US	5953

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EXAMINER

WORJLOH, JALATEE

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/613,481

Applicant(s)

SHATFORD, WILL

Examiner

Jalatee Worjloh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 14 is/are allowed.
6) ☒ Claim(s) 1-4 and 9-12 is/are rejected.
7) ☒ Claim(s) 5-8 and 13 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office Action is responsive to the amendment filed January 3, 2006, in which claims 1, 9 and 12 were amended.

Response to Arguments

2. Applicant's arguments filed January 3, 2006 have been fully considered but they are not persuasive.

Applicant argues that neither Baird nor Maguire teach, “a memory for storing an authorized fingerprint on the device” and “comparing the read fingerprint with a fingerprint of the authorized user stored on the device”, as recited in independent claims 1 and 9, respectively. Official Notice is taken that storing an authorized fingerprint on a device and comparing the read fingerprint with a fingerprint of the authorized user stored on the device are old and well known in the art of cryptography. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art modify Baird and Maguire to include these well known features. One of ordinary skill in the art would have been motivated to do this because it provides an efficient means of verifying the user of the device (see paragraph [0015] & [0037] of Sher) and therefore prevents unauthorized users from accessing the information. In support of this Official Notice, Applicant is directed to paragraph [0037] of Publication No. 2001/0018660 to Sehr paragraph [0037].

3. Claims 1-14 have been examined.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent Application No. 1041523A2 to Baird in view of International Publication No. WO 01/75826 to Maguire.

Referring to claim 1, Baird discloses a reader (i.e. biometrics sensing unit) for sensing and reading a fingerprint of a user, a memory for storing an authorized fingerprint, a comparator, responsive to the reader and the memory, for comparing the read fingerprint to the stored fingerprint (see paragraphs [0025] – a biometrics sensing unit is provided and memory; [0028] – user looks towards the camera, an image of the iris pattern of the user is recorded by the camera and processed iris image is conveyed, via the processor unit to the biometrics sensing unit where the iris pattern data record by the camera is compared with the iris pattern data stored in a iris pattern information database. Although an iris is used in this embodiment, a fingerprint made use instead (see paragraph [0008] – where biometric sensing is utilized in identifying the user, it may be convenient to retrain details of the biometric feature or features which server to identify or verify the identity of the user, for example the iris and fingerprint) and a pseudo-random generator (i.e. transaction identifier generator), responsive to the comparator, for generating a random code, when the read fingerprint and the stored fingerprint are equivalent (see paragraphs [0028] – the image received from the camera is processed to create a current iris code which is

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compared with the enrollment templates stored in the database to identify a match and thus identify the user ... [0030] – once the user has been *identified* the generator produces a *random code*). Baird does not expressly disclose the random code is a pseudo-random personal identification number (PIN). Maguire discloses a generating a pseudo-random PIN (see page 2, lines 4-6). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the device disclose by Baird to include a pseudo-random PIN. One of ordinary skill in the art would have been motivated to do this because do this because it provides an additional level of security making it different for pirates to determine the PIN.

Referring to claims 2 and 10, Baird discloses generating a random code (see claim 1 above). Baird does not expressly disclose said pseudo-random generator generates said PIN in accordance with a user specific algorithm. Maguire discloses a pseudo-random generator generates said PIN (i.e. authorization code) in accordance with a user specific algorithm (see page 6, lines 13-19). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the device disclose by Baird to include a pseudo-random generator that generates said PIN. One of ordinary skill in the art would have been motivated to do this because do this because it provides an additional level of security making it different for pirates to determine the PIN.

Referring to claim 9, Baird discloses sending and reading a fingerprint of a user of the device, comparing the read fingerprint with a stored fingerprint of the authorized user of the device (see paragraph [0028] – user looks towards the camera, an image of the iris pattern of the user is recorded by the camera and processed iris image is conveyed, via the processor unit to the biometrics sensing unit where the iris pattern data record by the camera is compared with the iris

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pattern data stored in a iris pattern information database. Although an iris is used in this embodiment, a fingerprint made use instead (see paragraph [0008] – where biometric sensing is utilized in identifying the user, it may be convenient to retrain details of the biometric feature or features which server to identify or verify the identity of the user, for example the iris and fingerprint) and generating a random code, when the read fingerprint and the stored fingerprint are equivalent (see paragraphs [0028] – the image received from the camera is processed to create a current iris code which is compared with the enrollment templates stored in the database to identify a match and thus identify the user ... [0030] – once the user has been *identified* the generator produces a *random code*). Baird does not expressly disclose the random code is a pseudo-random personal identification number (PIN), said PIN being used to verify activation of device for accessing information. Maguire discloses a generating a pseudo-random PIN (see page 2, lines 4-6) for accessing information (see page 6, lines 13-22 – providing the associated product or service to the user). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the device disclose by Baird to include a pseudo-random PIN. One of ordinary skill in the art would have been motivated to do this because do this because it provides an additional level of security making it different for pirates to determine the PIN.

6. Claims 3, 4, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baird and Maguire as applied to claims 2 and 11 above, and further in view of US Publication No. 2001/0018660 to Sehr.

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Referring to claim 3, Baird discloses a device (see claim 2 above). Baird does not expressly disclose a display for displaying said PIN and said PIN being forwarded by said user to an issuer of said device which grants access to said information. Sehr discloses a display for displaying said PIN (see paragraph [0061] – PINPad), said PIN being forwarded by said user to an issuer of said device which grants access to said information (see paragraph [0078]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the device disclose by Baird to include a display for displaying said PIN. One of ordinary skill in the art would have been motivated to do this because it prevents unauthorized user from accessing the information.

Referring to claim 4, Baird discloses a device (see claim 2 above). Baird does not expressly disclose said issuer receives said PIN at an issuer network. Sehr discloses said issuer receives said PIN at an issuer network (i.e. global data link), see paragraphs [0057] & [0061]. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the device to include allow an issuer to receive said PIN at an issuer network. One of ordinary skill in the art would have been motivated to do this because it convenient and supports remote communications.

Referring to claims 11 and 12, Baird discloses a random code (see claim 10 above). Baird does not expressly disclose displaying said PIN to said authorized user on said device or transmitting said PIN to an issuer of said device, wherein said issuer grants access to said information when said PIN is equivalent to a issuer generated code. Sehr discloses displaying said PIN to said authorized user on said device or transmitting said PIN to an issuer of said device, wherein said issuer grants access to said information when said PIN is equivalent to a

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issuer generated code (see paragraph [0061] – PINPad), said PIN being forwarded by said user to an issuer of said device which grants access to said information (see paragraph [0078]).

Allowable Subject Matter

7. Claims 5-8,13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claim 14 is allowed.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is (571) 272-6714. The examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for Regular/After Final Actions and 571-273-6714 for Non-Official/Draft.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

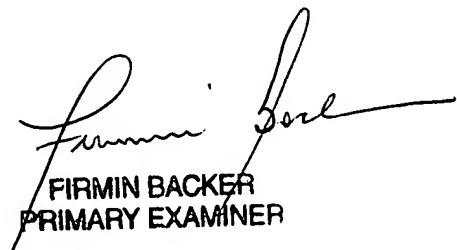
Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

***P.O. Box 1450
Alexandria, VA 22313-1450***

Jalatee Worjloh
Patent Examiner
Art Unit 3621

March 21, 2006


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PRIMARY EXAMINER